

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RICHARD SADDLER,

Plaintiff,

v.

CARVANA, LLC,

Defendant.

Cause No. 4:19-cv-1646

JURY TRIAL DEMANDED

NOTICE OF REMOVAL

COMES NOW, Defendant Carvana, LLC (“Carvana”), by and through undersigned counsel, pursuant to 28 U.S.C. §§ 1332, 1441, and for its Notice of Removal states as follows:

STATEMENT OF THE CASE

1. Carvana attaches as **Exhibit A**, a copy of the Petition filed by Plaintiff Richard Saddler (“Plaintiff”) in the Circuit Court for St. Louis County, Missouri on May 13, 2019, Cause No. 19SL-CC01864. Plaintiff’s Petition demands, among others, punitive damages.

2. On May 17, 2019, Carvana received, at its headquarters in Tempe, Arizona, a package via Federal Express containing, among others, Plaintiff’s Petition. Carvana’s receipt of Plaintiff’s Petition was the first notice of the action to Carvana.

3. Plaintiff failed to issue and serve any civil summons upon Carvana. However, on May 23, 2019, William A. Brasher, of Boyle Brasher LLC entered an appearance on Carvana’s behalf.

4. On June 2, 2019, Plaintiff emailed Mr. Brasher confirming the amount in controversy in this matter to be in excess of \$500,000. Carvana attaches a copy of this email as **Exhibit B** hereto.

5. Pursuant to Local Rule 2.03, Carvana attaches a copy of the complete court file in the state-court action, along with the current state court docket sheet, as collective **Exhibit C**. To Carvana's knowledge, there have been no other pleadings, motions, or orders filed in the state-court action.

6. Carvana states that the only pending motion in the case is Plaintiff's Motion for Temporary Restraining Order. This motion and the parties' briefing regarding this motion are attached as collective **Exhibit D**.

7. Carvana also attaches the Civil Cover Sheet and Original Filing Form as **Exhibit E** and **Exhibit F**, respectively.

DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332(a)

8. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) because complete diversity of citizenship exists between Plaintiff and Carvana and more than \$75,000.00, exclusive of interest and costs, is at stake.

9. Upon information and belief, Plaintiff is believed to be a citizen of the State of Missouri, who is domiciled in St. Louis County, Missouri."

10. Carvana is a limited liability company organized and existing under the laws of the State of Arizona, having its principal place of business at 1930 W. Rio Salado Parkway, Tempe, Arizona 85281. Carvana Group, LLC ("Carvana Group") and Carvana Co. Sub, LLC ("Carvana Co. Sub") are the sole members of Carvana. Carvana Group's members are Carvana Co. Sub and fifty-two (52) individuals whose states of citizenship are Arizona, California, Georgia, New Jersey, North Carolina, Texas, and West Virginia. Carvana Co. Sub's sole member is Carvana Co., which is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 1930 W. Rio Salado Parkway, Tempe, Arizona 85281. Therefore, Carvana is

a citizen of Arizona, California, Delaware, Georgia, New Jersey, North Carolina, Texas, and West Virginia but not Missouri.

11. Based on the foregoing, complete diversity of citizenship exists between Plaintiff, on the one hand, and Carvana, on the other, pursuant to 28 U.S.C. § 1332.

12. The amount in controversy exceeds the \$75,000.00 threshold as Plaintiff seeks in excess of \$500,000 in damages. Specifically, Plaintiff's Petition "prays for an award of his actual damages, punitive damages in amounts that are fair and reasonable, for an order declaring the contract void and rescinding the transaction, for costs of this action, and for such other and further relief as this Court deems just and proper." (**Exhibit A**, p. 3). Plaintiff's Petition establishes that the vehicle that is the subject of this lawsuit was financed in the amount of \$26,489.02 with an interest rate of 12.64%. (*Id.* at ¶ 7). Additionally, Plaintiff's demand for punitive damages totals at least \$500,000. (**Exhibit B**).

ALL PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

13. Pursuant to 28 U.S.C. § 1446(a), a copy of all the process, pleadings, orders, and documents from the St. Louis County Circuit Court action which have been obtained or received by Carvana are being filed with this Notice of Removal.

14. Pursuant to 28 U.S.C. § 1446(b)(1), this notice of removal is being filed within thirty (30) days of May 17, 2019, the date on which Carvana first received Plaintiff's Petition.

15. Pursuant to 28 U.S.C. § 1446(d), Carvana will promptly give written notice of the filing of this Notice of Removal to Plaintiff and is filing a Notice to State Court of this Notice of Removal with the Circuit Court of St. Louis County, Missouri.

16. By removing this action, Carvana does not waive any defenses available to it in federal or state court and expressly reserves the right to assert all such defenses in its responsive pleading.

17. Accordingly, Carvana respectfully requests that further proceedings of the St. Louis County Circuit Court be discontinued and that this action be removed in its entirety to the United States District Court for the Eastern District of Missouri, Eastern Division at St. Louis.

Respectfully submitted,

/s/ William A. Brasher

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of June 2019, the foregoing was filed electronically using the Court's CM/ECF system. I further certify that the below participant is believed not to be a CM/ECF user and that I have therefore mailed the foregoing document by First-Class Mail, postage prepaid to the following:

Richard Saddler
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Pro Se Plaintiff

/s/ William A. Brasher